

TOWN OF CONSTANTIA  
**MINUTES –TOWN BOARD – April 20, 2021**  
7:30 pm Constantia Town Hall

Present: Kenneth Mosley - Supervisor  
Richard Colesante, Thomas Moran, Frank Tomaino – Council Members  
Clare Haynes – Town Clerk  
Wayne Woolridge – Highway Superintendent  
Warren Bader - Town Attorney  
Erin Zehr – Park and Recreation Chair  
James Peck – Planning Board Chair – Via Zoom  
Dustin Clark– Barton & Loguidice – Via Zoom  
Paul Baxter – Tug Hill Commission

Absent: John Metzger – Council Member

**CALL TO ORDER:**

At 7:30 pm Mr. Mosley called the town board meeting to order with the pledge of allegiance. As per recommended procedures during COVID-19 all persons in attendance were seated 6ft apart.

**SEWER:**

Mr. Clark told the board that Congress Woman Tenney reached out to the Town requesting information on projects. Mr. Clark sent all requested information on the sewer district, hopefully some funding will be opening up at the Federal level. The project is in good position, hopefully funding opportunities will be opening soon. Mr. Tomaino asked if Ms. Tenney knew the district was 4.5M short, yes and it sounds like each member of Congress were encouraged to list 10 projects.

B&L put up the money to complete the aerial survey of the sewer district, the fly over has been completed. This will put the district in a better position to move forward.

**WATER:**

Nine responses were received from the 18 that were sent second requests to answer surveys, Mrs. Haynes will get the information to Mr. Clark and Mr. Powers.

**B&L – HIGHWAY:**

Mr. Woolridge is working with Mr. Tremblay from Barton & Loguidice to submit grant paperwork to replace two culverts in the Town. This is a new grant possibility, Mr. Clark asked if there were any questions, there were not.

**PUBLIC COMMENT:**

Mr. and Mrs. Heitkamp were in to introduce themselves to the Town Board Members. Mr. and Mrs. Heitkamp are purchasing the Boat House Marina, they look forward to working with the board to improve the property get it cleaned up and in better shape.

**PARK AND RECREATION:**

Mrs. Zehr told the board:

-Mr. Wiscinski has started work on the new playground. Construction of the playground for the most part was done at the highway department, they will then truck the pieces to the park for installation.

-There are a few Boy Scouts looking for community service jobs if anyone knows of any please send information to Mrs. Zehr.

-Mrs. Zehr is still talking to people about hosting a Farmer’s Market on Fridays, lots of questions that still need to be answered.

-Mr. Joe Brill was at the last meeting of the Park and Recreation Commission, the Commission would like to appoint Mr. Brill. Mr. Colesante made the motion to appoint Mr. Joe Brill as a member to the Park and Recreation Commission. Mr. Brill will fill the vacant seat with a term expiration of 12/31/2024, seconded by Mr. Tomaino.

Carried: Moran – Yes Tomaino – Yes Colesante – Yes Metzger – Absent Mosley - Yes

Mr. Colesante asked what the County Health Department is saying about the park and the programs. Mrs. Zehr responded that the park will be run at 50% capacity that includes the beach. There will be more information as the park program gets closer.

Mr. Moran brought up churches in the Town of Constantia using the park, will there be a fee. After discussion it was decided that the fee will be waived for one day at the park for churches within the Town.

COUNCILMAN: Moran

Introduced the following and moved its adoption:

**The following is a 2021 General Fund budget modification. This modification is due to the Town being awarded the Shineman Grant for \$30,000. Accounts to be added:**

Revenue	A1989 Other Economic Assistance	\$30,000.00
Expense	A7180.4 Special Rec Facility	\$30,000.00

Seconded by Councilman: Colesante

The question of the adoption of the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows:

Carried: Moran – Yes Tomaino – Yes Colesante – Yes Metzger – Absent Mosley - Yes

**MINUTES:**

Mr. Moran made the motion to accept the minutes of the March 16<sup>th</sup> town board, seconded by Mr. Tomaino.

Carried: Moran – Yes Tomaino – Yes Colesante – Yes Metzger – Absent Mosley - Yes

**VOUCHERS:**

Mr. Moran made the motion to accept the following vouchers as listed on Abstract #4 Dated April 20, 2021:

General Fund	105-141	\$ 44,472.26
Highway Fund	54-77	\$ 54,154.22
Sewer	5	\$ 637.50

Seconded by Mr. Colesante.

Carried: Moran – Yes Tomaino – Yes Colesante – Yes Metzger – Absent Mosley - Yes

**SUPERVISOR:**

Mr. Moran made the motion to approve the Supervisor’s report dated March 31, 2021, seconded by Mr. Colesante.

Carried: Moran – Yes Tomaino – Yes Colesante – Yes Metzger – Absent Mosley - Yes

Mr. Moran did note that one budget account was over in error, this will be corrected for the April Supervisor’s report.

**HIGHWAY:**

Mr. Woolridge reported:

- Changing trucks over for summer work, some of them are in bad shape. There is a storm coming, two of the trucks had their sanders put back on.
- Mini paver and roller rented for May 10<sup>th</sup>, the walkway will be paved at the park.
- Cutting trees on Kibbie Lake and Nicholasville Rd.
- Maintenance on mowers
- Spring leaf pickup is almost complete
- Culver inspections, as noted above the Town will be submitting grant paperwork for two culverts. Frederick St. and Dutcherville Rd.
- Getting ready for dumpsters at both the Town Hall an Highway Department
- Placed ads for seasonal help, there is an estimated 32% increase in CHIPS funding statewide, Mr. Woolridge wants to make the most of the opportunity
- Mr. Krause is back to work and Mr. Ronald Cottet will be back at work starting Monday

Mr. Tomaino asked when the posting will be lifted for the roads, Mr. Woolridge responded that he removed the signs today.

Mr. Moran made the motion to approve the Highway Superintendent’s report, seconded by Mr. Tomaino.

Carried: Moran – Yes Tomaino – Yes Colesante – Yes Metzger – Absent Mosley - Yes

**APPROVAL OF DEPARTMENT REPORTS:**

Mr. Tomaino made the motion to accept the following reports as received for March, seconded by Mr. Moran.

- Code Enforcement received \$953.55
- Justice Pelon and Justice Simpson
- Town Clerk received \$1,908.55
- Tax Collector has collected to date \$4,534,558.02, on April 14<sup>th</sup> \$2,329,443.81 was turned over to the County officially ending tax season for 2021.

Carried: Moran – Yes Tomaino– Yes Colesante – Yes Metzger – Absent Mosley – Yes

**TUG HILL COMMISSION:**

Mr. Baxter submitted the following report:

- Unchanged: The Tug Hill Commission offices are still operating at a 50% occupancy level, with a schedule with Watertown-based staff where at any given time, half of the staff is in the Watertown office is in the office, and the rest are still working from home. Actual occupancy may be lower depending on need, as Tug Hill staff operate to minimize spread of COVID-19. Commission staff continue to be available for meetings with your municipality.
- The Governor’s executive order allowing remote meetings and public hearings (via means such as Zoom) has been extended through May 6, 2021. If you have any upcoming meetings where that may be a help to you. I can facilitate a Zoom meeting with a little advance notice. Advance notice will also help with figuring out the logistics of notification and how to conduct the meeting via Zoom, either completely or with Zoom as an additional method of attendance and participation.
- As you have probably heard, New York State has passed legislation for adult-use cannabis which includes an option for a municipality to opt out for their town or village. I have attached a model opt-out local law. The town would need to act by the end of this year, and there is an option for the public to overturn that action via referendum.  
I have also attached additional information from the most recent Tug Hill Times.
- Also attached is a page from the most recent Tug Hill Times with information about upcoming webinars. I have assisted new Constantia planning board chairman Jim Peck with questions he has had during the transitional period.

**PLANNING BOARD:**

Minutes received for 3/21/2021

Mr. Peck would like the board to appoint Mr. Martin Godzwon to fill a vacant position on the planning board. Mr. Colesante made the motion to appoint Mr. Martin Godzwon to a vacant position as a member of the planning board with a term expiration of 12/31/2026, seconded by Mr. Moran.

Carried: Moran – Yes Tomaino– Yes Colesante – Yes Metzger – Absent Mosley – Yes

Mr. Peck would also like permission to join The New York Planning Federation (NYPF) this commission is a big help to the planning board, board of appeals and code enforcement as it offers many training options. Mr. Colesante made the motion to authorize joining NYPF, seconded by Mr. Moran.

Carried: Moran – Yes Tomaino– Yes Colesante – Yes Metzger – Absent Mosley – Yes

**CORRESPONDENCE:**

Email received from Ms. Lyons from Grannis Rd, they are having issues with Verizon, Mr. Mosley will reach out to Verizon to get additional information.

**BOARD INITIATIVES AND COMMENT:**

**TOWN OF CONSTANTIA  
TOWN BOARD RESOLUTION**

**April 20, 2021**

**TOWN OF CONSTANTIA LOCAL LAW NO. A OF 2021**

**(“A Local Law Imposing a Nine (9) Month Moratorium on Portable Storage Containers within the Town of Constantia”)**

The following resolution was offered by Councilman Moran, who moved its adoption, seconded by Supervisor Mosley to wit:

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, proposed Local Law A-2021, imposing a nine (9) month moratorium on portable storage containers within the Town of Constantia, was presented and introduced at a regular meeting of the Town Board of the Town of Constantia held March 16, 2021; and

**WHEREAS**, a public hearing was held to consider said proposed Local Law No. A-2021 on April 20, 2021 by the Town Board of the Town of Van Constantia and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Constantia in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

**WHEREAS**, this proposed local law was referred to the Oswego County Planning Board, which took no position; and

**WHEREAS**, at its March 16, 2021 meeting the Town Board determined that this proposed legislation is a Type II action for purposes of SEQR, thus concluding the environmental review process; and

**WHEREAS**, it is in the public interest to enact said Proposed Local Law No. A-2021.

**NOW, THEREFORE**, it is

**RESOLVED AND DETERMINED**, that the Town Board of the Town of Constantia, Oswego County, New York, does hereby enact Proposed Local Law No. A-2021 as Local Law No. A-2021 as follows:

**“TOWN OF CONSTANTIA  
LOCAL LAW NO. 1 OF 2021**

**A LOCAL LAW IMPOSING A NINE (9) MONTH MORATORIUM  
ON PORTABLE STORAGE CONTAINERS WITHIN THE TOWN OF CONSTANTIA**

Be it enacted by the Town of Constantia Town Board, as follows:

**SECTION 1. AUTHORITY.**

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

**SECTION 2. INTENT.**

It is the intent of the Town Board of the Town of Constantia to impose a nine (9) month moratorium on portable storage containers within the Town of Constantia.

**SECTION 3. LEGISLATIVE PURPOSE.**

In recent months, the Town has become aware of increasing use of portable storage containers within the Town including the improper use of the same as living quarters. Based upon this, the Town Board is of the opinion that a period of time is necessary to determine whether regulation portable storage containers is necessary in order to preserve and protect the health, safety and welfare of its residents. This moratorium will enable town officials to review and comprehensively address the various issues involved with these storage trailers and containers.

**SECTION 4. DEFINITIONS.**

**PORTABLE STORAGE CONTAINER**

Any temporary, transportable, movable or portable container which is delivered to and placed outdoors on private property and capable of being used for storage purposes. A portable storage container does not include any of the following: a debris dumpster; a temporary construction trailer or a storage trailer/container under 144 square feet.

**SECTION 5. MORATORIUM.**

A. The Town Board hereby enacts a moratorium which shall prohibit the placement, construction or erection of portable storage containers within the Town of Constantia and/or the processing or further processing of such applications.

B. This moratorium shall be in effect for a period of nine (9) months from the effective date of this

local law and shall expire on the earlier of: (i) the date nine (9) months from said effective date of this local law, unless renewed; or (ii) the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.

C. This moratorium shall apply to all real property within the Town.

D. Any portable storage containers which have previously been approved are hereby expressly excluded from this moratorium. Those applications for such uses which have not received appropriate approvals from the Town are included in the moratorium.

**SECTION 6. RELIEF FROM PROVISIONS OF THIS LOCAL LAW.**

A. The Town Board reserves to itself the power to vary or adapt the strict application of the requirements of this Local Law in the case of unusual hardship which would deprive the owner of all reasonable use of the lands involved.

B. Application for relief shall be filed in triplicate with the Town Code Enforcement Officer together with a filing fee of \$250.00. The application shall specifically identify the property involved, recite the circumstances pursuant to which the relief is sought and the reasons for which the relief is claimed. Any costs, including expert consulting fees or attorney's fees, incurred by the Town, shall be reimbursed to the Town by the Applicant. The Town Board shall apply Use Variance criteria as set forth in the New York State Town Law, Section 267-b (2) in reviewing any application for relief.

C. The Town Board may refer any applications for relief herein to the Town Planning Board for its advice and recommendations, but all decisions on granting or denying such relief shall be made solely by the Town Board after determining whether or not the requested relief is compatible with any contemplated amendments to the Town Land Development Law. Unless completely satisfied that the proposed relief is compatible, the Town Board shall deny the application.

D. The Town Board shall conduct a public hearing on any request for relief within forty-five (45) days of receipt by the Town Code Enforcement Officer and shall issue its final decision on requests for relief within thirty (30) days from the date of the public hearing.

**SECTION 7. PENALTIES.**

Any person, who utilizes a portable storage container in violation of the provisions of this local law, shall be subject to:

A. A fine not to exceed One Thousand and 00/100 Dollars (\$1,000.00) or imprisonment for a term not to exceed fifteen (15) days, or both. Each day a violation continues shall be considered a new violation.

B. A civil action inclusive of injunctive relief in favor of the Town to cease any and all such actions which conflict with this local law and, if necessary, to remove any constructions, improvements, or related items or byproducts which may have taken place in violation of this local law.

**SECTION 8. ENFORCEMENT.**

This local law shall be enforced by the Code Enforcement Office of the Town of Constantia or such other enforcement individual(s) as designated by the Town Board. It shall be the duty of the enforcement individual(s) to advise the Town Board of all matters pertaining to the enforcement of this local law.

**SECTION 9. VALIDITY & SEVERABILITY.**

If any section or part of this local law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or affect any other section of this local law.

**SECTION 10. EFFECTIVE DATE.**

This local law shall take effect immediately upon passage and thereafter shall be filed with the New York State Department of State and shall remain in force and effect for a period of nine (9) months from the date of passage."

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

<u>Richard Colesante</u>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<u>John Metzger</u>	<b>Councilor</b>	<b>Absent</b>	
<u>Tom Moran</u>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<u>Frank Tomaino</u>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<u>Ken Mosley</u>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>

The foregoing resolution was thereupon declared duly adopted.

**DATED: April 20, 2021**

**LIGHTING DISTRICTS:**

Mr. Bader as requested submitted a resolution to start the process of dissolving the two lighting districts within the Town of Constantia. Ms. Butler, Bookkeeper has some concerns adopting this resolution too early and how it will affect the end of year reporting with NYS. Ms. Butler's major concern is the fact that both districts still have a balance. Mr. Moran agrees, but notes that in the first quarter in 2022 both districts will be out of funds. After discussion it was decided to hold off with the resolution until work begins on the 2022 budget.

**EXECUTIVE SESSION:**

At 8:56 pm Mr. Moran made the motion to go into executive session, seconded by Mr. Tomaino.

Carried: Moran – Yes Tomaino – Yes Colesante – Yes Metzger – Absent Mosley - Yes

**ADJOURN:**

At 9:18 pm board members returned from executive session with no decisions made Mr. Tomaino made the motion to adjourn, seconded by Mr. Colesante.

Carried: Moran – Yes Tomaino – Yes Colesante – Yes Metzger – Absent Mosley - Yes